

May 3, 2001

The Honorable David Tenny
Acting Deputy Undersecretary for
Natural Resources and Environment
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250
Facsimile: (202) 720-0632

Re: Special Areas; Roadless Area Conservation

Dear Mr. Tenny:

By way of introduction, the Office of Advocacy of the U.S. Small Business Administration (SBA) was established by Congress under Pub. L. No. 94-305 to represent the views of small business before Federal agencies and Congress. Advocacy is also required by the Regulatory Flexibility Act (RFA) to monitor agency compliance with the RFA. 5 U.S.C. § 612. The Chief Counsel of Advocacy is allowed to present views with respect to agency compliance with the RFA; the adequacy of the rulemaking record with respect to small entities; and the effect of the rule on small entities. Advocacy is also authorized to appear as *amicus curiae* in regulatory appeals from final agency actions. Id. In that Advocacy is an independent office within SBA, the comments provided are solely those of the Office of Advocacy and do not necessarily reflect the views of SBA.

On January 12, 2001, the United States Department of Agriculture, Forest Service published a final rule in the *Federal Register*, Vol. 66, No. 9, p.3243 on *Special Areas; Roadless Area Conservation*. The rule established prohibitions on road construction, road reconstruction, and timber harvesting in inventoried roadless areas on National Forest System lands. The intent of the final rule was to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management. Subsequently, on January 20, 2001, the White House issued a memorandum, temporarily postponing for 60 days the effective date of all published that were not yet effective. *Federal Register*, Vol. 66, No. 16, p.7701-7702.

It is our understanding that Forest Service is currently reviewing the final rule on Roadless Area Conservation. The Office of Advocacy submitted several comments

regarding the impact of the roadless initiative on small entities prior to, during, and after the official comment period. (See attachments 1-10) In those comments, Advocacy raised several concerns about the economic impact of the rule on small entities including the potential magnitude of the impact; the lack of information to evaluate the impact; and the failure to consider less burdensome alternatives. We would greatly appreciate it if you would consider our previous comments when making a decision about this matter.

If you have any questions, please feel free to contact us.

Sincerely,

Susan M. Walthall
Acting Chief Counsel
Office of Advocacy

Jennifer A. Smith
Assistant Chief Counsel
for Economic Regulation

Attachments